

**A RESOLUTION BY  
CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT AGREEMENT NO. 5 WITH STEWART BROS., INC., FOR FC-3005007849A, ANNUAL ASPHALT RESURFACING AND MILLING CONTRACT, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY ONE THOUSAND FIVE HUNDRED THIRTY THREE DOLLARS AND NINETY ONE CENTS (\$221,533.91) WITH ALL CONTRACTED WORK BEING CHARGED TO AND PAID FROM FUND DEPARTMENT AND ACCOUNT NUMBERS 3138 (2008 QUALITY OF LIFE BOND FUND) 130308 (DPW TRANSPORTATION DESIGN) 5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP), PTAE0 FUNDING SOURCE; 13102166/109/313821776/5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP)/COA, 13102175/103/313821776/5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP)/COA; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") did enter into an Agreement with Stewart Bros., Inc., for FC-3005007849A, Annual Contract for Asphalt, Resurfacing and Milling, on behalf of the Department of Public Works; and

**WHEREAS**, said Agreement had a base term of two (2) years, expiring on June 21, 2007, with two (2) , one (1) year renewal options at the City's sole discretion; and

**WHEREAS**, Renewal Agreement No. 1 was executed effective June 22, 2007 to June 21, 2008; and

**WHEREAS**, Amendment Agreement No. 1 was executed to add additional funding pursuant to Resolution 06-R-0176; and

**WHEREAS**, Amendment Agreement No. 2 was executed to add additional funding pursuant to Resolution 06-R-0759; and

**WHEREAS**, Amendment Agreement No. 3 was executed to add additional funding pursuant to Resolution 06-R-2550; and

**WHEREAS**, Renewal Agreement No. 2 was executed effective June 22, 2008 to June 21, 2009; pursuant to Resolution 08-R-0686; and

**WHEREAS**, Amendment Agreement No. 4 was executed to add additional funding pursuant to Resolution 09-R-0217; and

**WHEREAS**; a ninety (90) day extension was executed giving the Agreement an expiration date of September 21, 2009; and

**WHEREAS**, Stewart Bros., Inc., has performed the contracted service satisfactorily; and

**WHEREAS**, the Commissioner of the Department of Public Works and the Chief Procurement Officer recommend this Amendment Agreement No. 5 with Stewart Bros., Inc., in an amount not to exceed Two Hundred Twenty One Thousand Five Hundred Thirty Three Dollars and Ninety One Cents (\$221,533.91) for the continuance of asphalt services in various council districts; and

**WHEREAS**, all terms and conditions of this amendment agreement will remain unchanged and shall remain in full force and effect.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to enter into Amendment Agreement No. 5 with Stewart Bros., Inc., on behalf of the Department of Public Works, in an amount not to exceed Two Hundred Twenty One Thousand Five Hundred Thirty Three Dollars and Ninety One Cents (\$221,533.91) for the continuance of asphalt services in various council districts.

**BE IT FURTHER RESOLVED**, that the Chief Procurement Officer is hereby directed to prepare the appropriate agreement for execution by the Mayor.

**BE IT FURTHER RESOLVED**, that this Agreement will not become binding upon the City and the City shall incur no obligation or liability hereunder until the same has been approved by the City Attorney as to form, executed by the Mayor, attested to by the municipal clerk and delivered to Stewart Bros, Inc.,.

**BE IT FINALLY RESOLVED**, that all contracted work shall be charge to and paid from Fund Department and Account Numbers 3138 (2008 Quality Of Life Bond Fund) 130308 (DPW Transportation Design) 5414002 (FAC Other Than Buildings/Infrastructure/CIP), PTAE0 FUNDING SOURCE; 13102166/109/313821776/5414002/COA; 13102175/103/313821776/5414002/COA; and for other purposes.

## LEGISLATIVE SUMMARY

**TO:** City Utilities Committee

### CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT AGREEMENT NO. 5 WITH STEWART BROS., INC., FOR FC-3005007849A, ANNUAL ASPHALT RESURFACING AND MILLING CONTRACT, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY ONE THOUSAND FIVE HUNDRED THIRTY THREE DOLLARS AND NINETY ONE CENTS (\$221,533.91) WITH ALL CONTRACTED WORK BEING CHARGED TO AND PAID FROM FUND DEPARTMENT AND ACCOUNT NUMBERS 3138 (2008 QUALITY OF LIFE BOND FUND) 130308 (DPW TRANSPORTATION DESIGN) 5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP), PTAE0 FUNDING SOURCE; 13102166/109/313821776/5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP)/COA, 13102175/103/313821776/5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP)/COA; AND FOR OTHER PURPOSES.

<b>Committee Meeting Date:</b>	September 15-16, 2009						
<b>Council Meeting Date:</b>	September 21, 2009						
<b>Legislation Title:</b>	FC-7849A, Annual Asphalt Resurfacing and Milling Contract Amendment No. 5						
<b>Requesting Dept.:</b>	Public Works						
<b>Contract Type:</b>	ITB for Construction Services						
<b>Advertisement:</b>	Advertised in AJC on February 27, 2005						
<b>Bids/Proposals Due:</b>	March 30, 2005						
<b>Invitations Mailed:</b>	Forty Six (46)						
<b>Bids/Proposals Received:</b>	Three (3) bids received.						
<b>Bidders/Proponents:</b>	<table><tbody><tr><td>Stewart Bros.</td><td>\$3,456,670.00</td></tr><tr><td>Bankhead Contracting</td><td>\$3,491,137.00</td></tr><tr><td>Glasco Paving</td><td>\$5,913,300.00</td></tr></tbody></table>	Stewart Bros.	\$3,456,670.00	Bankhead Contracting	\$3,491,137.00	Glasco Paving	\$5,913,300.00
Stewart Bros.	\$3,456,670.00						
Bankhead Contracting	\$3,491,137.00						
Glasco Paving	\$5,913,300.00						
<b>Contractor:</b>	Stewart Bros. \$3,456,670.00						
<b>Estimated Value:</b>	\$221,533.91						
<b>Scope Summary:</b>	To provide all the necessary labor, equipment and supplies for asphalt resurfacing, milling and sub-grade point repairs on various roads and streets within the City of Atlanta.						

**Background:**

This Legislation covers Amendment Agreement No. 5 to Contract FC-3005007849A for additional funding to provide additional Resurfacing Projects within the City under the quality of Life Bond Program.

Agreement Type	Effective Start Date	Effective Expiration Date	Not to Exceed Amount
Original Agreement	06/22/05	06/21/07	\$ 3,456,670.00
Amendment Agreement No. 1	06/22/05	06/21/07	\$ 3,456,670.00
Amendment Agreement No. 2	06/22/05	06/21/07	\$674,536.61
Amendment Agreement No. 3	06/22/05	06/21/07	\$4,266,730.00
Renewal Agreement No. 1	06/22/07	06/21/08	\$871,116.57
Renewal Agreement No. 2	06/22/08	06/21/09	\$2,923,301.97
Amendment Agreement No. 4	06/22/08	06/21/09	\$264,318.46
Ninety Extension	06/22/09	09/22/09	

**Evaluation Team:**

The Departments of Planning, Development and Neighborhood Conservation, Aviation, Finance (Risk Management) and the Office of Contract Compliance.

**Term of Contract:**

Two (2) years with two (2) one (1) year renewal options.

**Fund Account Centers:**

3138 (2008 Quality Of Life Bond Fund) 130308 (DPW Transportation Design) 5414002 (FAC Other Than Buildings/Infrastructure/CIP), PTAE0 FUNDING SOURCE; 13102166/109/313821776/5414002/COA; 13102175/103/313821776/5414002/COA

**Prepared By:**

Anthony Stanley

**Contact Number:**

404-330-6384

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT AGREEMENT NO. 5 WITH STEWART BROS., INC., FOR FC-3005007849A, ANNUAL ASPHALT RESURFACING AND MILLING CONTRACT, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY ONE THOUSAND FIVE HUNDRED THIRTY THREE DOLLARS AND NINETY ONE CENTS (\$221,533.91) WITH ALL CONTRACTED WORK BEING CHARGED TO AND PAID FROM FUND DEPARTMENT AND ACCOUNT NUMBERS 3138 (2008 QUALITY OF LIFE BOND FUND) 130308 (DPW TRANSPORTATION DESIGN) 5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP), PTAE0 FUNDING SOURCE; 13102166/109/313821776/5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP)/COA, 13102175/103/313821776/5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP)/COA; AND FOR OTHER PURPOSES.

**Council Meeting Date:** September 21, 2009

**Requesting Dept.:** Department of Public Works

**B. To be completed by the department:**

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to executed Amendment Agreement No. 5 with Stewart Bros., Inc., for FC-3005007849A, annual asphalt resurfacing and milling contract.

**2. Please provide background information regarding this legislation.**

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:**

**4. Fund Account Center:** Fund Department and Account Numbers 3138 (2008 Quality Of Life Bond Fund) 130308 (DPW Transportation Design) 5414002 (FAC Other Than Buildings/Infrastructure/CIP), PTAE0 FUNDING SOURCE; 13102166/109/313821776/5414002/COA; 13102175/103/313821776/5414002/COA

**5. Source of Funds:**

**6. Fiscal Impact:** \$221,533.91

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By:** Dawn Riley

- (b) Source Selection: n/a**
- (c) Bids/Proposals Due: n/a**
- (d) Invitations Issued: n/a**
- (e) Number of Bids: n/a**
- (f) Proposals Received: n/a**
- (g) Bidders/Proponents: n/a**
- (h) Term of Contract: two (2) years with two (1) renewal option**

**4. Fund Account Center:** Fund Department and Account Numbers 3138 (2008 Quality Of Life Bond Fund) 130308 (DPW Transportation Design) 5414002 (FAC Other Than Buildings/Infrastructure/CIP), PTAE0 FUNDING SOURCE; 13102166/109/313821776/5414002/COA; 13102175/103/313821776/5414002/COA

**5. Source of Funds: Quality of Life Bond**

**6. Fiscal Impact: \$221,533.91**

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By: Dawn Riley**

***Part II: Legislative White Paper:*** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT AGREEMENT NO. 5 WITH STEWART BROS., INC., FOR FC-3005007849A, ANNUAL ASPHALT RESURFACING AND MILLING CONTRACT, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY ONE THOUSAND FIVE HUNDRED THIRTY THREE DOLLARS AND NINETY ONE CENTS (\$221,533.91) WITH ALL CONTRACTED WORK BEING CHARGED TO AND PAID FROM FUND DEPARTMENT AND ACCOUNT NUMBERS 3138 (2008 QUALITY OF LIFE BOND FUND) 130308 (DPW TRANSPORTATION DESIGN) 5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP), PTAE0 FUNDING SOURCE; 13102166/109/313821776/5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP)/COA, 13102175/103/313821776/5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP)/COA; AND FOR OTHER PURPOSES.

**Council Meeting Date:** September 21, 2009

**Requesting Dept.:** Department of Public Works

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to executed Amendment Agreement No. 5 with Stewart Bros., Inc., for FC-3005007849A, annual asphalt resurfacing and milling contract.

**2. Please provide background information regarding this legislation.**

.Contractor provides milling and resurfacing services for the Quali of Life Bond Program.

**3. If Applicable/Known:**

**(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):**





CITY OF ATLANTA  
DEPT. OF PROCUREMENT  
09 AUG 28 PM 3: 58

SHIRLEY FRANKLIN  
MAYOR

CITY OF ATLANTA  
55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 658-7552  
Email: publicworks@atlanta.gov

DEPARTMENT OF PUBLIC WORKS

Joe Basista  
Commissioner

MEMORANDUM FOR: REQUEST FOR CHANGE/AMENDMENT/MODIFICATION

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Joe Basista, Commissioner  
Department of Public Works

SUB: REQUEST FOR CONTRACT CHANGE/AMENDMENT TO  
THE FOLLOWING CONTRACT(s):

FC-7849A, Annual Contract for Asphalt Resurfacing and Milling;  
*Contractor: Stewart Brothers, Inc.*

DATE: August 28, 2009

---

**A. DESCRIPTION OF PROPOSED CHANGE / MODIFICATION /AMENDMENT**

Pursuant to Section 2-1292 of the City of Atlanta Procurement Code and Article 33 – Changes and Extra Work of the General Conditions for the Contract, the Department of Public Works (DPW) on behalf of the Quality of Life Bond Program (QOL) request an Amendment to the following Contract: **FC-7849A, Annual Contract for Asphalt Resurfacing and Milling**

**Please process for cycle 15.**

Please prepare Legislative Summary and Agreement for Amendment No. 5 to Contract FC-7849A, Annual Contract for Asphalt Resurfacing and Milling;

Department of Law will prepare Legislative package for Commissioner's signature and Council submission.

**B. NEED FOR PROPOSED CHANGE / MODIFICATION / AMENDMENT**

The purpose of the amendment is to add additional funding to provide additional resurfacing projects within the City under the Quality of Life Bond Program.

**C. ADJUSTMENT OF CONTRACT PRICE**

\$221,533.91

**D. PERFORMANCE INFORMATION**

The Contractor has been performing satisfactorily during the period of performance that commenced since the execution of the contract.

If additional information is needed, please feel free to contact Soraya Belgrave at Ext. 6002.

JJB/sb

cc: Sandra Jennings, Department of Public Works  
Madelyn Grant, Department of Public Works  
Dawn Riley, Department of Public Works  
Cathy Martin, Department of Procurement  
Soraya Belgrave, Department of Public Works / File



CITY OF ATLANTA  
DEPT. OF PROCUREMENT  
2005 MAY 10 AM 9:11

# CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

OFFICE OF CONTRACT COMPLIANCE  
55 TRINITY AVENUE, S.W. SUITE 1700  
ATLANTA, GEORGIA 30303  
OFFICE (404) 330-6010  
FAX (404) 658-7359

## MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens, Acting Director *HO*  
Office of Contract Compliance

DATE: May 9, 2005

RE: **Recommendation for FC 3005007849, Annual Asphalt Resurfacing and Milling Contract**

The Office of Contract Compliance has reviewed the three (3) bids for minority and female business enterprise participation. All three (3) bidders are eligible under Section 2-1449(a)(2)(C) of the Equal Business Opportunity (EBO) Code of Ordinances and have been deemed responsive by the Office of Contract Compliance. For your information, they have committed to utilizing AABEs and FBEs as indicated below:

### Stewart Brothers, Inc.

RAS Asphalt Paving	AABE 25%
M.A.R. Trucking	FBE 2.3%
RAC Trucking	FBE 2.3%
A&G Trucking	FBE 2.3%
Four Seasons Trucking	FBE 2.3%
<b>Total Participation</b>	<b>34.2%</b>

### Bankhead Contracting

Farmer Oil Company	FBE 15%
Highways Services Co.	FBE 7%
<u>Domineck Trucking</u>	AABE 11%
<b>Total Participation</b>	<b>33%</b>

Adam L. Smith  
May 9, 2005  
Page 2

**Glasco Paving**

Spiderman Trucking	AABE	17%
Jerome Enterprises	FBE	10%
<u>Double D Trucking</u>	<u>FBE</u>	<u>17%</u>
<b>Participation Total</b>		<b>44%</b>

If you have questions, please contact me at (404) 330-6010 or Bruce T. Bell at (404) 330-6009.

CC: File  
Djuana Herron, DOP

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Dawn Riley

Contact Number: (404) 330-6851

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: September 1, 2009

Anticipated Committee Meeting Date(s): September 15, 2009

Anticipated Full Council Date: September 21, 2009

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: [Signature]

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT AGREEMENT NO. 5 WITH STEWART BROS., INC., FOR FC-3005007849A, ANNUAL ASPHALT RESURFACING AND MILLING CONTRACT, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY ONE THOUSAND FIVE HUNDRED THIRTY THREE DOLLARS AND NINETY ONE CENTS (\$221,533.91) WITH ALL CONTRACTED WORK BEING CHARGED TO AND PAID FROM FUND DEPARTMENT AND ACCOUNT NUMBERS 3138 (2008 QUALITY OF LIFE BOND FUND) 130308 (DPW TRANSPORTATION DESIGN) 5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP), PTAE0 FUNDING SOURCE; 13102166/109/313821776/5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP)/COA, 13102175/103/313821776/5414002 (FAC OTHER THAN BUILDINGS/INFRASTRUCTURE/CIP)/COA; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: [Signature]

(date)

Received by LC from CPO: [Signature]

(date)

Received by Mayor's Office: [Signature]

(date)

Reviewed by: [Signature]

(date)

Submitted to Council: 9/4/09